

05/03/2024 08:13:22

2452

1 Sep 2010



RESOLUTION No.
THE STATE COMPTROLLER GENERAL

WHEREAS:

[OFFICE OF THE STATE COMPTROLLER GENERAL]

- I. As a result of the study of the special engineering inspection report undertaken on the damages caused to the cooling system and water filters and the assessment of the damages that caused the shutdown of the San Francisco Hydroelectric Power Plant, under the responsibility of the company Hidropastaza S.A., for the period between September 26, 2007, and September 30, 2008, a penalty of **USD 1,048,179.40** was assessed against **Consorcio Norberto Odebrecht-Alstom-Va Tech**, through its legal representative, a detail engineering, supplies and construction contractor of the San Francisco Hydroelectric Power Plant, which corresponds to the amount of the additional expenses that the company Hidroagoyán S.A., operator of the San Francisco Plant, incurred during the shutdown from June 6 to October 15, 2008, for contracting personnel, procurement of supplies and provision of various services, which, in accordance with the "itemization of unspecified expenses in the service provision contract," prepared by the head of the Agoyán Plant, amount to USD 163,934.24.

During the shutdowns of the San Francisco Power Plant generation units since November 2007, Hidropastaza S.A., with the purpose of inspecting the work on the headrace tunnel and the plant in general, contracted professionals with different specialties, domestic and international consultants, personnel to supervise the work performed, and security personnel, making expenditures for transportation, leasing of equipment and purchasing of materials, among others. These expenditures amount to the sum of USD 884,245.16.

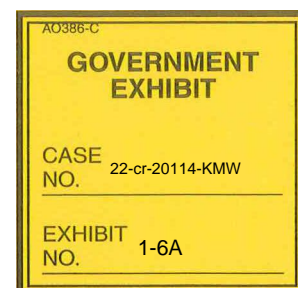
In view of the foregoing, when the plant went offline, it caused additional expenses that resulted in an economic loss to the entity in the amount of the penalty assessed, the statement of which appears in its Attachments 3 and 4.

[Paragraphs II and III omitted per special instructions]



[OFFICE OF THE STATE
COMPTROLLER GENERAL]
LIABILITIES MANAGEMENT

Accountability Directorate. Telephone: 398-7360
Main Office: Av. Juan Montalvo e4-37 y Av. 6 de Diciembre. Quito - Ecuador



CRP-DOJ-0002392631_TR

RESOLVES:

To **DISMISS** the joint and several civil liability established on February 2, 2010, in penalties 6825 through 6832, assessed in the amount of **USD 8,303,355.93** against **Consortio Odebrecht-Alstom-Va-Tech**, through its legal representative; and engineers **Germán Bolívar Anda Naranjo**, Executive President, **Sadinoel de Freitas Júnior**, Executive Vice President and member of the Board of Shareholders of Hidropastaza S.A.; **Luis Alfredo Mancero Gallegos**, Chairman of the Board of Directors of Hidropastaza S.A.; **Jorge Emilio Guerrero Hernández** and **José Conceicao Santos Filho**, members of the Board of Directors of Hidropastaza S.A.; **Hermann Saa Bernstein**, and **Alejandro Rodrigo Gómez Ponce**, members of the Board of Shareholders of Hidropastaza.

Notice is ordered given,

For the State Comptroller General,

[Signature]

Dr. César Mejía Freire
DEPUTY STATE COMPTROLLER GENERAL, Acting

OFFICE OF THE STATE COMPTROLLER GENERAL. A TRUE COPY. I ATTEST.

[Signature]

ACCOUNTABILITY SECRETARY



[OFFICE OF THE STATE
COMPTROLLER GENERAL]
ACCOUNTABILITY DIRECTORATE